

IN PIMA COUNTY SUPERIOR COURT

FILED
GARY L. HARRISON
CLERK, SUPERIOR COURT

2019 JAN -7 AM 9:32

AFFIDAVIT FOR SEARCH WARRANT

19SW0040

No.
D. WANDELL, DEPUTY

YOUR AFFIANT, **Special Agent Cullen Conerly**, A PEACE OFFICER IN THE STATE OF ARIZONA AND EMPLOYED BY THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, BEING FIRST DULY SWORN, UPON OATH, DESPOSES AND SAYS:

That on or about the 23rd day of August 2018, and continuing through on or about the 1st day of October 2018, a public offense in violation of Arizona Revised Statutes:

- A.R.S. 13-1003, Conspiracy, a class 2 felony,
- A.R.S. 13-2312, Illegally Conducting an Enterprise, a class 3 felony,
- A.R.S. 13-3417(A), Use of a Wire Communication or Electronic Communication in a Drug Related Transaction

was or is being committed in the County of Pima, State of Arizona.

YOUR AFFIANT (has probable cause to believe) that:

{X} on the person(s) of:

- James LEWANDOWSKI, DOB 05/25/1965, 5'6", 180 pounds, Brown hair, Green eyes, SSN [REDACTED]-4430

{X} in and upon the premises (including all buildings, structures, rooms, equipment, and vehicles used in connection or located within the curtilage of said premises) known and described as:

- Pima County Assessor's Office Parcel 303-21-097G, Sahuarita, Arizona 85629 is a property owned by Karen SCHIMMEL located on over 10 acres in a rural area of Sahuarita. The parcel does not have a physical address, but is located on the West side of a private drive extending South from West Bucking Horse Rd. just West of South

Avenue Kaye. The property contains two white RV camping trailers, one small rectangular outbuilding, and numerous vehicles that are mobile and/or immobile located throughout the property. LEWANDOWSKI is currently a DEA fugitive and resides in one of the white camping trailers with an attached awning. The entrance road to the camping trailers is secured by a small metal gate on the West side of the road just South of a white painted fence extending South from West Bucking Horse Rd. *SEE ATTACHMENT B*

{ } in vehicle(s) described as:

there is certain person (s), property or things

{X} is the subject of an outstanding arrest warrant and/or is wanted for the above mentioned charges

{ } Which are stolen or embezzled

{X} Which were used as means for committing a public offense

{X} Which are being possessed with intent to use as a means of committing a public offense

{ } Which are in the possession of to whom it was delivered for the purpose of concealing it or preventing it from being discovered

{X} which consists of any item or constitutes any evidence which tends to show that a public offense has been committed such as being more fully described in the affidavit.

That said property or things are described as follows:

"SEE ATTACHMENT A"

That the following facts establish probable cause for believing that grounds for the issuance of a search warrant for the aforementioned items/persons exists:

19SW0040

Since January, 2018, Special Agents from the Drug Enforcement Administration Sierra Vista Resident Office have been working a joint investigation with the Cochise County Sheriff's Office and the Arizona Department of Public Safety (DPS). On July 2, 2018, agents obtained Pima County Superior Court Order 18-WT-0001 authorizing the interception of wire communications to and from (520) 220-9360 (Target Telephone One or TT-1) used by Timothy HENRY. HENRY was identified as a methamphetamine and heroin source of supply operating out of Sierra Vista, Arizona, who obtained large quantities of methamphetamine and heroin from Daniel HUNTER who resides in Sahuarita, Arizona. HUNTER lived on a property owned by Karen SCHIMMEL in close proximity to James LEWANDOWSKI, HUNTER's heroin source of supply, who also resides on a property owned by SCHIMMEL.

On August 23, 2018, at approximately 12:00 p.m., investigators established surveillance of Daniel HUNTER's remote Sahuarita residence located at 7475 W Bucking Horse Rd., Sahuarita, Arizona 85629 from a nearby hilltop utilizing high-powered binoculars and spotting scopes. Investigators were aware that on the same date Timothy HENRY was traveling from Sierra Vista, Arizona to HUNTER's residence to discuss the purchase of ½ kilogram of heroin for \$11,500. While conducting surveillance, investigators observed HUNTER talking with an unknown male wearing a long sleeve shirt, a backwards hat, and blue shorts outside of a white RV camper parked on Pima County Assessor's Office Parcel 303-21-097G. Investigators also observed a white male with long brown curly hair and a prosthetic leg standing outside the residence whom they knew to be James LEWANDOWSKI via his Arizona driver's license photograph. Investigators were aware that LEWANDOWSKI is currently a DEA Tucson State Fugitive from case MQ-17-0054 in which he was identified as a methamphetamine and heroin source of supply. LEWANDOWSKI was selling methamphetamine and heroin out of his mechanic shop in Tucson until agents conducted a search warrant on the shop in October 2017. Information received by DEA Tucson Agents from a Source of Information (SOI) in October 2017 indicated that LEWANDOWSKI receives 10-12 pounds of methamphetamine per month from Mexican males who drive inconspicuous Toyota vehicles. The SOI described an associate of LEWANDOWSKI as Dan LNU, older white male, 6'2", muscular, with brown/gray hair, who is originally

19SW0040

from New Mexico, but currently resides in Sahuarita, Arizona. The SOI stated that LEWANDOWSKI frequented Dan LNU's residence in Sahuarita, Arizona every few nights and would sell methamphetamine to Dan LNU. Investigators believed, based on the above description, that the SOI was describing Daniel HUNTER.

Previously, on July 27, 2018, reference TT-1 call session 5402, HENRY received an incoming call from HUNTER. During the call, HENRY and HUNTER discussed how HUNTER has been having problems obtaining the title to a car from a trade deal that took place in September 2017. HENRY and HUNTER continually referenced a third unknown party during their discussion that was preventing HUNTER from obtaining the car. HENRY asked HUNTER that if it was the third party's buddy's car from New Mexico. HENRY asked why the third party doesn't have his buddy get the title notarized and send it in the mail. HENRY remarked that it was not right that HUNTER is still waiting to receive the title while the third party is driving around in a Jeep with big tires and a lift kit. HUNTER then complained that he has been taking care of the third party's dog. HUNTER told HENRY that the third party came to HUNTER's home the night before, but did not bring the dog. HUNTER was able to hear the third party's generator running from HUNTER's house, and the fact that the third party did not have the dog with him made HUNTER upset because HUNTER believed the third party had the dog locked up in the house. HUNTER told HENRY that if the third party continued his actions HUNTER would beat the third party up with his own leg. HENRY asked HUNTER if the third party was the same one that was always at his house, which HUNTER confirmed. HUNTER explained that the third party's buddy from New Mexico was pulled over and arrested with a pound after leaving the third party's shop on the same day that the third party's shop got raided. HENRY researched the car he and HUNTER had been referring to using CarFax and discovered that the car was registered with a six day permit to Devin LEWANDOWSKI. HUNTER told HENRY that Devin is the third party's son. HENRY asked HUNTER if that's the same guy with the dog that wrecked his Harley and lost his leg, which HUNTER confirmed. Based on the totality of the circumstances, your Affiant believes that the third party HENRY and HUNTER were referring to was James LEWANDOWSKI.

On August 20, 2018, reference TT-1 call session 11548, HENRY called HUNTER to ask for a price quote for half of a kilogram of brown heroin. HUNTER informed HENRY that he did not think his source of supply was home because he could not hear his generator running, but he would find out a price and let HENRY know. Based on the previous call on July 27, 2018, HUNTER told HENRY that he could hear LEWANDOWSKI's generator running. Investigators have conducted numerous physical and aerial surveillance operations in the area surrounding HUNTER's property. HUNTER's residence is on the east side of a private driveway extending south from W Bucking Horse Rd. There is only one additional residence on the east side of the private driveway to the south of HUNTER's residence which is a large residence located at 7489 W Bucking Horse Rd. The residence at 7489 W Bucking Horse Rd. has power running to the residence and the utilities are in Karen SCHIMMEL's name. On the west side of the private driveway is a large residence located at 7501 W Bucking Horse Rd. Per TT-2 call session 323 on August 18, 2018, investigators learned that 7501 W Bucking Horse Rd. is owned by Donald WESTOVER. During the call, it became evident that HUNTER was not a close associate of WESTOVER and did not know him well. During the call, HUNTER and WESTOVER discussed building a gate to prevent unwanted individuals from coming near their properties. WESTOVER told HUNTER that he rents out the trailer on the west side of the private driveway near their properties to an unknown female and that he was going through the process of evicting the female. The only other property located within a distance close enough to HUNTER's property to hear a generator running is LEWANDOWSKI's residence, Pima County Assessor's Office Parcel 303-21-097G. Your Affiant believes that LEWANDOWSKI was the individual HUNTER needed to contact to advise HENRY for a price quote for half of a kilogram of brown tar heroin.

On August 23, 2018, at approximately 12:30 p.m., while investigators were conducting surveillance of HUNTER and LEWANDOWSKI's residences from a nearby hilltop, investigators observed an early 2000's model gold Toyota Camry arrive at HUNTER's residence. A tall Hispanic male in a button down shirt and black dress pants exited the Camry and walked into HUNTER's mobile home. Approximately two minutes later, the Hispanic male returned to the gold Camry and retrieved a plastic grocery bag from the front passenger seat. The Hispanic male then walked around to the rear of HUNTER's

property. At approximately 12:36 p.m., investigators observed the unknown Hispanic male exit HUNTER's residence empty handed and enter his gold Toyota Camry. The unknown male drove from HUNTER's residence over to LEWANDOWSKI's residence and parked in front of LEWANDOWSKI's closed gate. The Hispanic male walked over to LEWANDOWSKI, who was standing outside practicing archery, but did not greet LEWANDOWSKI with a handshake or embrace. Investigators observed the Hispanic male speaking with LEWANDOWSKI for an extended period of time while the two remained standing outside of LEWANDOWSKI's trailers. Both LEWANDOWSKI and the unknown Hispanic male constantly checked their phones, made phone calls, and appeared to be waiting for something. Investigators observed them lean against their vehicles and did not engage each other in much conversation as time went on. The gold Toyota Camry and the Hispanic male fit the description of what DEA Tucson's SOI previously described as LEWANDOWSKI's source of supply.

While the Hispanic male stood outside LEWANDOWSKI's house with LEWANDOWSKI, HENRY was simultaneously conducting negotiations with a DEA Undercover Agent (UC-1) in regards to the purchase of ½ kilogram of heroin. At approximately 12:44 p.m., HENRY arrived at HUNTER's residence and later left HUNTER's residence at approximately 1:08 p.m. At approximately 1:36 p.m., reference TT-1 call session 12466, HENRY placed an outgoing call to UC-1. HENRY told UC-1 that their previously arranged oxycodone pill deal was not for sure. UC-1 offered to provide HENRY with an address to mail the pills to if they were able to get them. UC-1 asked HENRY if the "brown paint" was set at \$11,500.00. HENRY said the brown paint is here right now and, "the other" is here right now and they're both dynamite. UC-1 told HENRY he would call when he's ready to come back down for the brown paint. HENRY said the brown paint was a guarantee and that it's there right now because he had just seen it. At approximately 1:42 p.m., investigators observed the Hispanic male leave LEWANDOWSKI's residence and drive south on the private drive before parking at 7489 W Bucking Horse Rd., Sahuarita, Arizona. At the same time, investigators observed LEWANDOWSKI enter a lifted green Jeep Wrangler with a copper hard top and leave his residence. Your Affiant is aware that "brown paint" is the term HENRY used to describe foreign origin heroin. Shortly after HENRY concluded his phone call with UC-1, the Hispanic male and

19SW0040

LEWANDOWSKI both left LEWANDOWSKI's residence. Your Affiant believes that LEWANDOWSKI contacted the Hispanic male on behalf of HUNTER and had the Hispanic male bring the heroin to HUNTER's residence. The Hispanic male waited with LEWANDOWSKI at LEWANDOWSKI's residence until they learned that UC-1 was not going to purchase the heroin on that date.

On August 14, 2018, agents obtained Pima County Superior Court Order 18-WT-0001 authorizing the interception of wire communications to and from (520) 999-1669 (Target Telephone Two or TT-2) used by Daniel HUNTER. On September 23, 2018, at approximately 4:12 p.m., reference TT-2 call session 2551, HUNTER received an incoming text message from phone number (520) 274-0476, the phone number subscribed to and utilized by Karen SCHIMMEL. The text message from SCHIMMEL to HUNTER read, "Hello? Are you home?" HUNTER received two more text messages from SCHIMMEL that read "You awake?" and "I need to talk to you already." On the same date, and before responding to SCHIMMEL, HUNTER received an incoming call, reference call session 2576, in which HUNTER, speaking to an unknown male, was told by the unknown male that "Karen wanted me to ask you if you could do her a favor and get ahold of Guero for a whole one." HUNTER then informed the unknown male that he would pick one up and bring it home. Your Affiant is aware from the course of investigation and the previous DEA Tucson investigation that "Guero" is LEWANDOWSKI's nickname. Your Affiant is also aware from the course of the investigation that a "whole one" is slang for one ounce of product and that HUNTER charged SCHIMMEL \$800 for the "whole one." On July 12, 2018, HENRY previously obtained one ounce of heroin from HUNTER for \$800 which was sold to UC-1.

On September 27, 2018, reference TT-2 call sessions 2784, 2788, 2789, 2790, and 2791, HUNTER was contacted by (520) 244-5676, used by CARLOS LNU, a methamphetamine source of supply for HUNTER. CARLOS LNU told HUNTER, "Raul is asking me for the missing parts for his truck and corvette," which from the context of the following text messages was discovered to mean that CARLOS LNU was asking HUNTER for money. For the next several days HUNTER began contacting multiple people who were identified as retail methamphetamine distributors who received their product from HUNTER and HUNTER asked them for all the money he was owed. On September 30, 2018, at

approximately 8:24 p.m., reference call session 3060, HUNTER received an incoming call from (520) 549-9835, known to be utilized by James LEWANDOWSKI. During the call, LEWANDOWSKI asked HUNTER if he was going to be able to, "get that." HUNTER affirmed and added that he was going to wait until tomorrow to pick up another grand.

On October 1, 2018, at approximately 10:01 p.m., reference TT-2 call session 3097, HUNTER placed an outgoing call to LEWANDOWSKI. During the call, HUNTER told LEWANDOWSKI that he had another "2.5" which made a total of six thousand. HUNTER further stated that he was up to a total of six grand from what he owes. LEWANDOWSKI, who was temporarily vacationing at Casino Del Sol at that time, told HUNTER he would be coming out to HUNTER's house the next day to pick up the money because he was too tired to drive out there that night. On October 4, 2018, at approximately 9:26 p.m., reference TT-2 call session 3200, HUNTER received an incoming call from LEWANDOWSKI. HUNTER informed LEWANDOWSKI that he had an additional two thousand dollars for him. LEWANDOWSKI initially stated he would be coming out to HUNTER's house to pick up the money, but later in the conversation asked HUNTER to bring the "paper" with him to see LEWANDOWSKI so that LEWANDOWSKI would not have to drive all the way out to HUNTER's house for it. During the conversation, LEWANDOWSKI also told HUNTER that LEWANDOWSKI needed to go to a third-party's house to pick up LEWANDOWSKI's rifle that was ready. On the same date, at approximately 10:55 p.m., reference call session 3201, HUNTER received an incoming call from LEWANDOWSKI. During the call, LEWANDOWSKI told HUNTER that he needed to pick up as much "paper" as he possibly could. HUNTER replied that he had, "2" for him.

On January 3, 2019, investigators conducted surveillance of Parcel 303-21-097G and observed the same green Jeep Wrangler with copper top investigators previously observed LEWANDOWSKI driving was parked on Parcel 303-21-097G next to one of the campers.

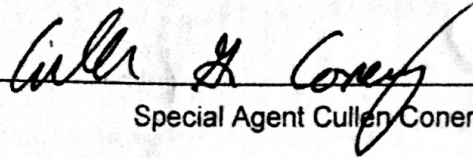
19SW0040

Your Affiant knows, from prior training and experience in investigating drug crimes, that the aforementioned facts and circumstances show that LEWANDOWSKI is actively engaged in the purchase and sales of large quantities of heroin and was an essential component of a drug trafficking conspiracy involving HUNTER, SCHIMMEL and CARLOS LNU. Investigators have observed LEWANDOWSKI coming in and out of a camper RV at Parcel 303-2-097G and believe he resides on the property owned by SCHIMMEL in an active effort to avoid law enforcement as investigators have intercepted calls indicating that LEWANDOWSKI is aware he has had a warrant for his arrest from the prior DEA Tucson case. Your Affiant believes LEWANDOWSKI was instrumental in arranging for the delivery of ½ kilogram of heroin to HUNTER on August 23, 2018, and was also the supplier of one ounce of heroin for SCHIMMEL. Further, your Affiant knows that a person who sells heroin typically is engaged in the sales or use of other illicit drugs, to include but not limited to Marijuana, Cocaine, and/or methamphetamine. Further, your Affiant knows that persons who engage in illegal sales or use of illegal drugs often possess firearms which are utilized to protect their drugs and proceeds from persons who wish to forcefully steal from the drug dealer.

Your Affiant believes there is just and probable cause that LEWANDOWSKI possesses items of evidentiary value on Parcel 303-21-097G, as listed above, that proves he is indeed engaged in the purchasing of large quantities of heroin and the ongoing conspiracy. Your Affiant believes that LEWANDOWSKI currently resides at Parcel 303-21-097G and that there will be additional information pertaining to LEWANDOWSKI's involvement in the Transnational Criminal Organization (TCO) involving HUNTER, SCHIMMEL, and CARLOS LNU inside the camper trailers and vehicles on the property. Your Affiant further knows that "fronting" is a common practice that drug dealers use to move their product and receive money at a later time, and the intercepted communications between HUNTER and LEWANDOWSKI show that LEWANDOWSKI was involved in the fronting of thousands of dollars worth of product. "Wero" was also found on numerous drug ledgers dating back to August, 2018, obtained during a search warrant of a stash house operated by Francisco OSORIO-Nava and Fabian CASTRO-Lopez who were identified as close associates of CARLOS LNU.

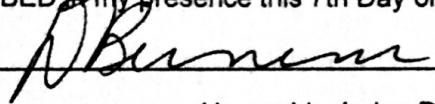
19SW0040

Your Affiant requests a daytime warrant be granted for James LEWANDOWSKI, DOB 05/25/1965, Pima County Assessor's Office Parcel 303-21-097G, and all buildings and vehicles found within the curtilage of the property. Your Affiant requests a search warrant be issued commanding a search be made of the persons, premises, buildings, and vehicles described herein for the property, persons and things herein described, and the same be retained in the custody of the Affiant or in the custody of the agency which the Affiant represents and disposed of according to law, pursuant to A.R.S. 13-3920.


Special Agent Cullen Conerly

Peace Officer for the State of Arizona

SWORN TO AND SUBSCRIBED in my presence this 7th Day of January, 2019



Honorable Judge Deborah Bernini

Pima County Superior Court